

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

JOSEPH BORGES,)
Plaintiff)
v.)
FAISAL ELEZZI;)
WASEEM AWADEH;) CASE NO. 1:22-cv-04105-LGS
MAHMOUD MUSA;)
MOHAMMED OTHMAN;)
“K.A.”, a Minor,)
Defendants.)

**REQUEST FOR CLERK'S CERTIFICATE OF DEFAULT AND
APPLICATION FOR ENTRY OF DEFAULT AGAINST DEFENDANT
MAHMOUD MUSA, PURSUANT TO RULE 55(a), FEDERAL RULES OF
*CIVIL PROCEDURE AND LOCAL CIVIL RULE 55.1***

Plaintiff, Joseph Borgen, by and through the undersigned counsel, hereby applies to the Court for a Clerk's Certificate of Default and the entry of default against the Defendant Mahmoud Musa, pursuant to Rule 55(a) of the Federal Rules of Civil Procedure and Local Civil Rule 55.1.

In support of this Application, Mr. Borgen provides the following:

1. A Request for a Clerk's Certificate of Default (Exh. 1). *See Local Civil Rule 55.1(a);*
2. The undersigned's Declaration addressing all elements of Local Civil Rule 55.1(b) (Exh. 2);

3. The executed Proof of Service form filed in this action on July 29, 2022 [ECF# 16] (Exh. 3).

Based upon all relevant fact, as set forth in the attached documents, Mr. Borgen respectfully requests that the Clerk of the Court enter a Certificate of Default (see attached Exh. 1), and that a default be entered in this action against Defendant Musa. As the attached Declaration provides, Defendant Musa was served at the New York County Supreme Court courthouse where he appeared for a hearing in the criminal, hate crime case pending against him on July 28, 2022. On October 6, 2022, Defendant Musa filed a Notice of Pro Se Appearance [ECF# 25]. He has failed to file any pleading in response to the Complaint.

Mr. Borgen respectfully requests that the Clerk's Certificate of Default be executed and that a default be entered in this case as to Defendant Musa.

Respectfully submitted,

/s/ David I. Schoen
David I. Schoen (DS 0860)
Counsel for Plaintiff Joseph Borgen

CERTIFICATE OF SERVICE

I hereby certify that on this 27th day of November, 2022, I caused the foregoing Application for Clerk's Certificate of Default and the Entry of Default and the documents attached to it to be served on counsel of record by filing the same through this Court's ECF system and by mailing a true and accurate copy of the same to *pro se* Defendant Mahmoud Musa, to the address for him that he provided in his Notice of Pro Se Appearance [ECF# 25], 253 Targee Street, Staten Island, NY 10304, via the U.S. mail, postage properly prepaid.

/s/ David I. Schoen
David I. Schoen (DS 0860)

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